

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOSE ISRAEL CHINCHILLA, et al.,

MEMORANDUM AND ORDER

Plaintiff, CV 05-1048
-against- (Wexler, J.)

GEORGE BESSER, ANGELINE BESSER
and BESSER ROOFING, INC.,

Defendants.

-----X

APPEARANCES:

SAMEER M. ASHAR, ESQ.
Main Street Legal Services, Inc.
65-21 Main Street
Flushing, NY 11367
Attorney for Plaintiffs

MORGANSTERN & QUATELA
BY: JAMES N. SALVAGE, ESQ.
310 Old Country Road
Suite 101
Garden City, NY 11530
Outgoing Attorneys for Defendants

WEXLER, District Judge:

Presently before the court is a Report and Recommendation ("R&R") of the assigned Magistrate Judge, Arlene Rosario Lindsay. The R&R notes that Magistrate Judge Lindsay granted the request of James Salvage, Esq. to be relieved as counsel for defendants. It further notes that the corporate Defendant was advised to retain new counsel and if it failed to do so, it would be reported and recommended to this court that the corporation's answer be stricken and a

default judgment entered against it. When Besser Roofing, Inc. failed to retain counsel, Magistrate Judge Lindsay entered the R&R recommending that this court strike its answer and enter a judgment of default pursuant to Rule 37(b)(2)(c) of the Federal Rules of Civil Procedure.

The R&R is dated January 24, 2006, and was served on the parties on that date. The time to file objections having passed without receipt of such objections, the R&R is hereby adopted. The Clerk of the Court is directed to strike the answer of Defendant Besser Roofing, Inc. and to note the default of that defendant. Once default is noted, counsel for Plaintiffs may submit an appropriate judgment to this court.

SO ORDERED



LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
February 14, 2006